IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 7088 of 2004(R)

PETITIONER:

1. **THE M.C.L. EMPLOYEES UNION (CITU), REGISTRATION NO.153/82, C/O. MALABAR CEMENTS LTD., WALAYAR-678 624, PALAKKAD DIST.,REP.BY ITS GENERAL SECRETARY, SRI.K.RAJAN, WORKING AS TIME KEEPER, MALABAR CEMENTS LIMITED, WALAYAR, PALAKKAD DIST.**

2. **P.G.PAULACHAN, TESTING BOY, MALABAR CEMENTS LIMITED, WAYALAR, NOW TRANSFERRED TO CHERTHALA GRINDING UNIT, PALLIPPURAM, ALAPPUZHA DISTRICT.**

3. **R.RAMAMOORTHY, OPERATOR, MALABAR CEMENTS LIMITED, WALAYAR, PALAKKAD DISTRICT.**

4. **M.V.SUDHAKARAN UNNI, OPERATOR, MALABAR CEMENTS LIMITED, WALAYAR, PALAKKAD DISTRICT.**

5. **K.SAMINATHAN, OPERATOR, MALABAR CEMENTS LIMITED, WALAYAR, PALAKKAD DISTRICT.**

6. **V.K.THANKAN, HEAVY EQUIPMENT OPERATOR, MALABAR CEMENTS LTD., WALAYAR, PALAKKAD DISTRICT.**

BY ADV. SRI.K.RAMAKUMAR
SRI.T.RAMPRASAD UNNI

RESPONDENTS:

1. **THE MALABAR CEMENTS LIMITED, REPRESENTED BY ITS MANAGING DIRECTOR, WALAYAR, PALAKKAD DISTRICT.**

2. THE GENERAL MANAGER,
MALABAR CEMENTS LIMITED, WALAYAR, PALAKKAD DIST.

3. THE MANAGER (PERSONNEL & ADMINISTRATION)
MALABAR CEMENTS LIMITED, WALAYAR, PALAKKAD DIST.

4. THE REGIONAL JOINT LABOUR COMMISSIONER,
ERNAKULAM.

5. SRI.M.C.MOHAMMED,
CODE NO.596, MACHINERY ATTENDENT NOW PROMOTED AS MILLER, MALABAR CEMENTS LIMITED, WALAYAR, PALAKKAD DISTRICT.

6. SRI.SIVASANKARAN,
CODE NO.445, OPERATOR, NOW PROMOTED AS MILLER, MALABAR CEMENTS LIMITED, WALAYAR.

BY GOVERNMENT PLEADER
ADV.S SRI.B.S.KRISHNAN(SR.) R1 TO R3
SRI.K.ANAND (A.201)
SMT.LATHA KRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 7088/2004 R

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE AWARD DT. 29/08/97 IN ID NO. 42/95 ON THE FILE OF THE INDUSTRIAL TRAIBUNAL, PALAKKAD, PUBLISHED IN THE KERALA GAZETTEE EXTRA ORDINARY DT. 29/6/99.

EXT.P2. COPY OF THE RANKED LIST FOR DIFFERENT POSTS PUBLISHED IN THE NOTICE BOARD OF R1 COMPANY.

EXT.P3. COPY OF THE REPRESENTATION DT. 20/1/04 BY THE P1 UNION BEFORE THE R4.

EXT.P4. COPY OF THE REPRESENTATION DT. 16/1/2004 BY THE P1 UNION BEFORE THE R1 TO R3.

RESPONDENT'S EXHIBITS **NIL**

True copy

tga

KURIAN JOSEPH, J.

W.P. (C). NO. 7088 OF 2004

Dated this the 19th day of July, 2007.

J U D G M E N T

Petitioners approached this Court with certain grievances with regard to their promotion and the alleged illegal promotion granted to the respondents 5 and 6. There is also a prayer for a direction to the Regional Joint Labour Commissioner to take action.

2. Learned counsel for the Management submits that petitioners 2 to 5 have already been promoted during the pendency of the writ petition and that the promotion already effected are only in accordance with Exhibit P1.

Therefore, this writ petition is disposed of making it clear that in case the petitioners have still any grievance left, it will be open to them to move the 4th respondent.

KURIAN JOSEPH, JUDGE.

smp